

00-CR-05204-ORD

1 STEVE E. DIETRICH
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8 Department of Transportation and Douglas MacDonald

HONORABLE JUDGE LEIGHTON

9 UNITED STATES DISTRICT COURT
10 WESTERN DISTRICT OF WASHINGTON
11 AT TACOMA

12 WESTERN STATES PAVING CO. INC.,

13 Plaintiff,

14 v.

15 THE WASHINGTON STATE
16 DEPARTMENT OF TRANSPORTATION;
17 DOUGLAS MACDONALD, Secretary of the
18 Washington State Department of
19 Transportation; the CITY OF VANCOUVER,
20 and CLARK COUNTY

21 Defendants,

22 and

23 UNITED STATES OF AMERICA,
24 UNITED STATES DEPARTMENT OF
25 TRANSPORTATION, and FEDERAL
HIGHWAY ADMINISTRATION,

Intervener-Defendants.

NO. C00-5204-RBL

STIPULATED AMENDED
PRETRIAL SCHEDULING
ORDER

21 On September 27, 2006, the Court entered a Minute Order Setting Trial, Pretrial Dates
22 and Ordering Mediation.

23 While the Western States Paving Co. and the Washington State Dep't of Transportation
24 were completing discovery, on December 15, 2006, they engaged a mediator, the Honorable
25

STIPULATED AMENDED PRETRIAL
SCHEDULING ORDER

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ATTORNEY GENERAL OF WASHINGTON
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1 Terrance Carroll of Judicial Dispute Resolution to mediate the remaining issues in this case.
2 Judge Carroll scheduled a mediation session for February 28, 2007 in Seattle. The parties
3 submitted mediation statements. On the evening of February 27, 2007, counsel for Western
4 States received notice of a family medical emergency and was forced to leave Seattle. The
5 mediation session was cancelled although State representatives met with the mediator to
6 provide some background and the State's settlement position. The mediator is willing to
7 facilitate settlement discussions and intends to contact Mr. Lofland with the State's initial
8 settlement proposal as soon as Mr. Lofland is available.

9 Counsel for both parties are confident that the remaining issues can be resolved through
10 the mediation process. However, the family emergency continues through this date and Mr.
11 Lofland remains unavailable for the next two weeks, at least. Under the circumstances, Mr.
12 Lofland cannot participate in settlement negotiations or prepare for trial and the parties cannot
13 comply with the deadlines in the current case scheduling order (Document #190). Because Mr.
14 Lofland is a sole practitioner, there is no other attorney available who could assume his
15 responsibilities.

16 The parties understand that this case must be resolved very soon and wish to devote all
17 of their effort, once Mr. Lofland is available, to a successful mediation. Accordingly, the
18 parties ask that the trial date be continued to approximately June 18 or another date that is
19 convenient for the court and that remaining deadlines be extended.

20 **Order**

21 **IT IS HEREBY ORDERED:**

22 A. THAT the September 27, 2006 Minute Order Setting Trial, Pretrial Dates and
23 Ordering Mediation, to the extent that it amends the pretrial schedule, is withdrawn.
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1 B. THAT, pursuant to Fed. R. Civ. P. 16(b) and 26(f) and Local Rule 16(d) of the
2 United States District Court for the Western District of Washington, the following pretrial
3 schedule and stipulations shall govern all remaining pretrial preparations in this case:

4 **Pretrial Schedule**

- 5 1. Mediation per CR 39.1(c)(3) HELD no later than June 1, 2007.
6 2. Letter of compliance as to CR 39.1 FILED by June 12, 2007.
7 3. Motions in limine must be FILED by June 4, 2007 and NOTED on the motion
8 calendar no later than the second Friday thereafter.
9 4. Agreed pretrial order OR, if counsel has agreed to dispense with the pretrial
10 order, Witness and Exhibit Lists are due on June 11, 2007.
11 5. Pretrial conference will be HELD on June ¹²11, 2007. 8:30 am.
12 6. Bench Trial Briefs and Proposed Findings of Fact and Conclusions of Law shall
13 be filed by June 11, 2007.
14 7. TRIAL set for on or after June ²⁵25, 2007, or as soon thereafter as the TRIAL
15 may be scheduled at the convenience of the court, for 1-2 days. @ 9:30 am

16 IT IS SO ORDERED.

17 DONE this 13th day of March, 2007.

21 
22 Honorable Ronald B. Leighton
23 United States District Court Judge
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1 Presented by:

2
3 /s/STEVE E. DIETRICH
4 STEVE E. DIETRICH, WSBA # 21897
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7 Approved for Entry:

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9
10 /s/GARY LOFLAND
11 Gary Lofland, WSBA #12150
12 LOFLAND AND ASSOCIATES
13 Attorney for Defendants
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